

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RODERICK SCRUGGS)
v.) NO. 3:05-0267
DUPONT)

TO: Honorable Todd J. Campbell, Chief District Judge

REPORT AND RECOMMENDATION

By order entered April 12, 2005 (Docket Entry No. 2), this civil action was referred to the Magistrate Judge, pursuant to 28 U.S.C. § 636, Rule 72 of the Federal Rules of Civil Procedure, and the Local Rules of Court, for entry of a scheduling order and for pretrial proceedings.

The pro se plaintiff filed this action on April 1, 2005, under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5, claiming employment discrimination. The record does not show that process has been served on the sole defendant named in this action by the plaintiff, and no response to the complaint has been filed by the defendant.¹

Accordingly, the Court recommends that this action be dismissed. There is nothing which indicates that the defendant has been served with process within 120 days of the date this action was filed as required by Rule 4(m) of the Federal Rules of Civil Procedure. Rule 4(m) provides that, in

¹ In the April 12, 2005, order, the Court specifically reminded the plaintiff of his obligation to serve the defendants with process.

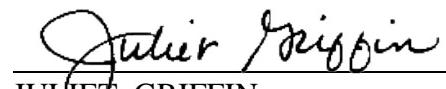
the absence of a showing of good cause by the plaintiff for why service has not been timely made, the Court "shall dismiss" the action without prejudice.

R E C O M M E N D A T I O N

Accordingly, the Court respectfully RECOMMENDS that this action be DISMISSED without prejudice as set out above.

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of receipt of this notice and must state with particularity the specific portions of this Report and Recommendation to which objection is made. Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's Order regarding the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Respectfully submitted,



JULIET GRIFFIN
United States Magistrate Judge